

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TYRONE P. JAMES

Plaintiff,

v.

YORK COUNTY POLICE DEPARTMENT,  
JAMES H. MORGAN, RICHARD PEDDICORD  
RAYMOND E. CRAUL, GENE FELLIS,  
DET. KESSLER, CO. BAYLARK,  
RANDY SIPES, BRIAN WESTMORELAND,  
and DETECTIVE GLOWCZESKI  
Defendants.

CIVIL ACTION NO.1:01-CV-1015

(Judge Kane)

JURY TRIAL DEMANDED

FILED  
HARRISBURG

FEB 04 2004

MARY E. DANDREA, CLERK  
DEPUTY CLERK

AFFIDAVIT FOR ENTRY OF DEFAULT

AND NOW COMES, plaintiff's, Tyrone P. James, being duly sworn, deposes  
and says:

1. I am a plaintiff herein.
2. The complaint herein was filed on the 8th, day of June, 2001.
3. On the 21 day, of September, 2001, plaintiff's file an Amended Complaint, adding Defendants, Randy Sipes, Brian K. Westmoreland and Detective Glowczeski. A "Motion To Amended Complaint And Brief, was filed on December 21, 2001.
4. On February 25, 2002, this Honorable Court entered an Order, granting Plaintiff's motion to amend his complaint as a matter of course pursuant Federal Rule of Civil Procedure 15(a), and added said Defendants. The Court ordered The US Marshall to served the Amended Complaint, together with the addendum to the complaint (Doc NO. 22) upon the three new Defendants (Sipes, Westmoreland and Glowczeski) and upon the original defendants, on April 25, 2002. See Order dated April 25, 2002.
5. More than Twenty-one (21) months. have elapsed since the date on which this Order was commenced, by this Honorable Court, that ordered the U.S. Marshals to served Defendants Sipes, herein were served with summons

6. The Defendant, Randy Sipes, here, had failed to answer to otherwise detail as to Plaintiff's Complaint, Amended Complaint, or serve a copy of any answer or defense which it might have had, upon affiant or any other Plaintiff's herein.

7. The defendant Randy Sipes has not filed or served an answer taken other action as may be permitted by law although more than days or months have passed since the date of service.

8. Defendant is not in the military service and are not infants incompetents.

WHEREFORE, this affidavit is executed in accordance with Rule NO. 55(a) of Federal Rules Of Civil Procedure, for the purpose of enabling the Plaintiff's herein to obtain an entry of default against the defendant in for his failure to answer or otherwise defend as to the Plaintiff's Complaint and Amend Complaint.

Respectfully Submitted,

*Tyrone James*

Tyrone P. James

EX 9451, Pro se.

Date: January 30, 2004.